

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Russell Mumper et al.

Serial No.: 10/072,320

Filed: February 7, 2002

For: pH-Sensitive Mucoadhesive Film-Forming
Gels and Wax-Film Composites Suitable for
Topical and Mucosal Delivery of Molecules

Confirmation No.: 5127

Group Art Unit: 1618

Examiner: Hartley, Michael G.

Atty. Dkt. No.: NANO:002USD1

PAPER SUPPLYING APPENDICES FOR APPEAL BRIEF FILED OCTOBER 12, 2007

TO: LETICIA PIHULIC

At the request of Ms. Pihulic, regarding the pending Appeal Brief pertaining to the above-referenced application, please find attached: (i) an Evidence Appendix with two exhibits, and (ii) a Related Appeals and Interferences Appendix. Please contact the under-signed attorney with any questions.

Respectfully submitted,

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X. RELATED APPEALS AND INTERFERENCES APPENDIX

This application is a divisional of U.S. Serial No. 09/748,133 ("the '133 application"). As of the date this Appeal Brief was originally filed, no answer from the Board had been issued regarding the appeal of the '133 application. However, on June 24, 2005, an *Ex Parte Quayle* Action regarding the '133 application was issued by the Examiner, wherein all of the claims were allowed. Since the case did not go to the Board, no decision was issued by the Board regarding the '133 application. Hence, no decision pertaining to the '133 application is included as part of this Appendix.

Appellants further note that prosecution of the '133 application proceeded past the issuance of the *Ex Parte Quayle* Action such that a non-final Office Action was issued on February 21, 2008.

IX. EVIDENCE APPENDIX

Exhibit 1: U.S. Patent No. 4,959,218 to Eckenhoff, first cited in the Office Action dated February 2, 2004.

Exhibit 2: U.S. Patent No. 5,700,478 to Biegajski, first cited in the Office Action dated February 2, 2004.